

REMARKS

Reconsideration of the present application as amended is respectfully requested. New claims 25-28 have been added. No claims have been amended or canceled. Claims 1-28 are currently pending.

In the Office Action, the specification was objected to because the Abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). Applicant has amended page 19 of the specification and submitted a replacement Abstract in accordance with the requirements of the Office Action.

Claims 1-3, 8, 12-15, 18-19 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,366,785 to Saarela et al. ("Saarela"). Saarela describes a method of recording and delivering a voice message from a calling telephone to a called telephone in the event that the called telephone cannot be reached. Saarela further describes that a voice message is recorded at the calling telephone and is stored there until the calling telephone receives a message from the telephone network that the called telephone can now be reached. Saarela still further describes that upon receipt of this message, the calling telephone initiates a call to the called telephone and replays the recorded message over the open voice channel.

Independent claim 1 is directed to "[a] method of using a first communications device together with at least one other communications device, the method comprising: playing back audio signals in said first communications device; transmitting the same audio signals to the at least one other communications device; and playing back said audio signals in the at least one other communications device." Regarding independent claim 1, the Office Action indicates that column 3, line 18 to column 4, line 50 of Saarela discloses the features of independent claim 1.

Applicant respectfully disagrees with the Office Action's interpretation of Saarela. The cited portion of Saarela describes playing a pre-recorded message to a user of a calling telephone that prompts the user to leave a message, and then allowing the user of the calling telephone to record a recorded message. Saarela further describes that, at a subsequent time, the

recorded message can be played to a user of the called telephone. Applicant respectfully submits that there is no teaching or suggestion by Saarela that the recorded message transmitted to a called telephone is also played back in the calling telephone. Applicant respectfully submits that Saarela fails to teach or suggest playing back audio signals in a first communications device, transmitting the same audio signals to at least one other communications device, and playing back said audio signals in the at least one other communications device, as found in independent claim 1. Applicant respectfully submits that independent claim 1 distinguishes over Saarela and requests that the 35 U.S.C. 102(e) rejection of independent claim 1 be withdrawn.

Regarding independent claims 12-13, the Office Action indicates that claims 12-13 have been rejected for the same reasons as set forth in claim 1. Independent claim 12 describes “[a] communications system comprising a first communications device and at least one other communications device, wherein the system is adapted to: play back audio signals in said first communications device; transmit the same audio signals to the at least one other communications device; and play back said audio signals in the at least one other communications device.” For similar reasons as those discussed above with respect to independent claim 1, Applicant respectfully submits that independent claim 12 distinguishes over Saarela and requests that the 35 U.S.C. 102(e) rejection of independent claim 12 be withdrawn.

Independent claim 13 describes “[a] first communications device adapted to be used in a communications system comprising at least one other communications device, the first communications device further comprising: means for playing back audio signals; and means for initiating transmission of the same audio signals to the at least one other communications device, such that said audio signals can be played back in the at least one other communications device.” For similar reasons as those discussed above with respect to independent claim 1, Applicant respectfully submits that independent claim 13 distinguishes over Saarela and requests that the 35 U.S.C. 102(e) rejection of independent claim 13 be withdrawn.

Regarding independent claim 18, the Office Action indicates that “this claim is rejected for the same reason as set forth in claim 1, wherein an accessory device (document outbox) plays back audio signals (recorded voice signals) and transmits to other telephone (Figs.

1, 2, column 3 lines 40-67).” Independent claim 18 describes “[a]n accessory device for use in connection with a first communications device adapted to be used in a communications system comprising at least one other communications device, the accessory device comprising means for playing back audio signals through the first communications device; and means for initiating transmission of the same audio signals to the at least one other communications device, such that said audio signals can be played back in the at least one other communications device.” For similar reasons as those discussed above with respect to independent claim 1, Applicant respectfully submits that independent claim 18 distinguishes over Saarela and requests that the 35 U.S.C. 102(e) rejection of independent claim 18 be withdrawn.

Claims 2-3, 8, 14-15, and 19 are dependent upon and include the limitations of independent claims 1, 13, and 18. For at least the reasons discussed with respect to independent claims 1, 13, and 18, Applicant respectfully submits that claims 2-3, 8, 14-15 and 19 distinguish over Saarela and requests that the 35 U.S.C. 102(e) rejection of claims 2-3, 8, 14-15 and 19 be withdrawn.

Claims 21-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Saarela. Claims 21-22 are dependent upon and include the limitations of independent claim 13. For at least the reasons as discussed with respect to independent claim 13, Applicant respectfully submits that claims 21-22 distinguish over Saarela and requests that the 35 U.S.C. 103(a) rejection of claims 21-22 be withdrawn.

Claims 4 and 9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Saarela in view of U.S. Patent No. 6,400,804 to Bilder (“Bilder”). Claims 4 and 9 are dependent upon and include the limitations of independent claim 1. As discussed in regard to independent claim 1, Saarela fails to teach or suggest at least the features of claim 1 of “playing back audio signals in said first communications device; transmitting the same audio signals to the at least one other communications device; and playing back said audio signals in the at least one other communications device (emphasis added).”

Bilder is directed to an on-hold activity selection apparatus and method that allow an on-hold party to select an on-hold activity, from a menu of on-hold activities, with which to be

entertained and/or informed. Applicant respectfully submits that Bilder fails to teach or suggest the aforementioned features of independent claim 1. For at least this reason, Applicant respectfully submits that claims 4 and 9 distinguish over Saarela in view of Bilder and requests that the 35 U.S.C. 103(a) rejection of claims 4 and 9 be withdrawn.

Claims 16-17, 20, and 23-24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Saarela in view of U.S. Patent No. 6,446,127 to Schuster et al. ("Schuster"). Claims 16-17, 20, and 23-24 are dependent upon and include the limitations of their respective independent claims 13 and 18. As discussed in regard to independent claims 13 and 18, Saarela fails to teach or suggest at least the features of claims 13 and 18 discussed above.

The Office Action acknowledges that "Saarela does not specifically disclose the communication device adapted to use in a wireless short range, as Bluetooth, infrared, and in a GPRS network." The Office Action indicates that Schuster discloses "the communication device is adapted to use in a wireless short range as a Bluetooth, and an infrared, and being used in a packet network as a GPRS." Applicant respectfully submits that Schuster fails to teach or suggest the aforementioned distinguishing features of independent claims 13 and 18. For at least this reason, Applicant respectfully submits that claims 16-17, 20, and 23-24 distinguish over Saarela in view of Schuster and requests that the 35 U.S.C. 103(a) rejection of claims 16-17, 20, and 23-24 be withdrawn.

Claims 5-7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Saarela in view of Bilder as applied to claim 4, and further in view of U.S. Patent No. 6,148,175 to Freedland ("Freedland"). Claims 5-7 are dependent upon dependent claim 4, which is dependent upon independent claim 1. As discussed in regard to claim 4, the cited combination of Saarela in view of Bilder fails to teach or suggest at least the features discussed above of independent claim 1. Applicant respectfully submits that Freedland also fails to teach or suggest the aforementioned distinguishing features of independent claim 1. For at least this reason, Applicant respectfully submits that claims 5-7 distinguish over Saarela in view of Bilder and further in view of Freedland and requests that the 35 U.S.C. 103(a) rejection of claims 5-7 be withdrawn.

Claims 10 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Saarela in view of Bilder as applied to claim 9, and further in view of U.S. Patent No. 6,502,194 to Berman et al. ("Berman"). Claims 10 and 11 are dependent upon claim 9, which is dependent upon claim 1. As discussed in regard to claim 9, the cited combination of Saarela in view of Bilder fails to teach or suggest the aforementioned distinguishing features of independent claim 1. The Office Action acknowledges that "Saarela does not specifically disclose that the audio signals are compressed in MP3 format." The Office Action indicates that column 2, lines 27-35 of Berman discloses "a playback audio communication system in which audio signal is digitized and compressed in a MP3 format." Applicant respectfully submits that Berman also fails to teach or suggest at least the aforementioned features of independent claim 1. Applicant respectfully submits that claims 10 and 11 distinguish over Saarela in view of Bilder and further in view of Berman and requests that the 35 U.S.C. 103(a) rejection of claims 10 and 11 be withdrawn.

New claims 25-28 are dependent upon and include the limitations of independent claims 1, 12, 13, and 18, respectively. Support for new claims 25-28 can be found at at least page 3, lines 9-10 of the application as originally filed. Applicant respectfully submits that no new matter has been added and that new claims 25-28 also distinguish over the cited references.

In view of the above, each of the presently-pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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